

Second Request for Reconsideration

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: September 29, 2009

Electronic Signature for Michael B. Stewart: /Michael B. Stewart/

Docket No.: 65856-0025
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Scott A. Sirrine

Application No.: 09/736,232

Confirmation No.: 9140

Filed: December 14, 2000

Art Unit: 2128

For: DRIVELINE ANGLE ANALYZER

Examiner: H. D. Day

**SECOND REQUEST FOR RECONSIDERATION AND RENEWED PETITION UNDER 37
CFR 1.181 TO WITHDRAW THE HOLDING OF ABANDONMENT**

MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the On Petition communication from the U.S. Patent and Trademark Office ("PTO") dated July 29, 2009, as well as the previous communication dated April 22, 2009, Applicant respectfully requests that the Petition filed on February 19, 2009, be reconsidered in view of the following.

In the communication dated July 29, 2009, the PTO states in part that "...the petition fails to attest to the reliability of docketing system used. While the petitioner submits a copy of a docket record of the application file in question, petitioner does not include the master docket as required by MPEP 711.03(c).

Petitioner's assistant, Alisa Haggemo, also spoke with Petitions Examiner, Sherry Brinkley, and thanks her for her clarification with respect to the exact requirements in order to pass the application to issuance. Attached hereto please find a copy of practitioner's master docket printout from the practitioner's reliable docketing system, Patsy®, for the time period in question for which the issue fee would have been docketed had it been received by practitioner. As can be seen on the master

docket printout, there was no entry for any issue fee due for this application. We have also attached another copy of the complete Petition papers filed on June 9, 2009. Applicant believes that with the filing of the above-referenced practitioner's master docket printout and assertion of the reliability of our Patsy® docketing system required by the PTO, the Petition is now in condition to be granted.

Applicant believes no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65856-0025 from which the undersigned is authorized to draw.

Dated: September 29, 2009

Respectfully submitted,

Electronic signature: /Michael B. Stewart/
Michael B. Stewart

Registration No.: 36,018
RADER, FISHMAN & GRAUER PLLC
Correspondence Customer Number: 10291
Attorney for Applicant

URGENT CONSOLIDATED DOCKET FOR MICHAEL B. STEWART

DUE	ATTY/ATTY2 PARA	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURRENT EXT	EXT AVAILABLE
December continued...								
22 Mon	mbs/mbs/dmt	65856-0114	[REDACTED]	[REDACTED]	(US)	APP TO BE FILED	0	None
KMMH is currently in the process of being filed. Last search results to client 10/14/00 awaiting client's response to file. No response as of 10/19/00. Client has been advised to respond by 10/20/00.								
22 Mon	mbs/mbs/dmt	65856-0115	[REDACTED]	[REDACTED]	(US)	APP TO BE FILED	0	None
KMMH is currently in the process of being filed. Last search results to client 10/14/00 awaiting client's response to file. No response as of 10/19/00. Client has been advised to respond by 10/20/00.								
23 Tue	mbs/djc/dmt	65858-0075	[REDACTED]	[REDACTED]	(US)	APP TO INVENTOR	0	None
25 Thu	mbs/ab/dmt	66814-0022	[REDACTED]	[REDACTED]	(US)	FILING CONFIRMATION	0	None
29 Mon	mbs/sdo/dmt	66814-0003	[REDACTED]	[REDACTED]	(US)	FILING DETAILS	0	None
January 2009								
08 Thu	mbs/cab/dmt	65717-0027	[REDACTED]	[REDACTED]	(US)	RESPONSE TO OA (1MO)	5	None
Office of New Cases filed a motion for summary judgment on 1/8/09. The motion is currently pending.								
13 Tue	mbs/ab/dmt	65858-0072	[REDACTED]	[REDACTED]	(US)	INF DISCLOSURE STMT	0	None
23 Fri	mbs/djc/dmt	65858-0075	[REDACTED]	[REDACTED]	(US)	APP TO BE FILED	0	None
23 Fri	mbs/ab/dmt	66814-0020	[REDACTED]	[REDACTED]	(US)	FILING DETAILS	0	None
23 Fri	mbs/ab/dmt	66814-0021	[REDACTED]	[REDACTED]	(US)	FILING DETAILS	0	None
February 2009								
18 Wed	mbs/ab/dmt	66814-0027	[REDACTED]	[REDACTED]	(US)	FILING DETAILS	0	None
20 Fri	mbs/mbs/gkm	65432-0102	[REDACTED]	[REDACTED]		STATUS CHECK	0	None
KMMH is currently in the process of being filed. Last search results to client 10/14/00 awaiting client's response to file. No response as of 10/19/00. Client has been advised to respond by 10/20/00.								
25 Wed	mbs/ab/dmt	66814-0022	[REDACTED]	[REDACTED]	(US)	FILING DETAILS	0	None
28 Sat	mbs/adm/dmt	65632-0613	[REDACTED]	[REDACTED]	(US)	STATUS CHECK	0	None

Request for Reconsideration

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(a)(4).

Dated: June 9, 2009

Electronic Signature for Michael B. Stewart: /Michael B. Stewart/

Docket No.: 65856-0025
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Scott A. Serrine

Application No.: 09/736,232

Confirmation No.: 9140

Filed: December 14, 2000

Art Unit: 2128

For: DRIVELINE ANGLE ANALYZER

Examiner: H. D. Day

**REQUEST FOR RECONSIDERATION AND RENEWED PETITION UNDER 37 CFR 1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT**

MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the On Petition communication from the U.S. Patent and Trademark Office (“PTO”) dated April 22, 2009, Applicant respectfully requests that the Petition filed on February 19, 2009, be reconsidered in view of the following.

In the communication dated April 22, 2009, the PTO stated that “since the Petition has failed to comply with requirement (3) above”, which states

(3) A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner’s statement.

the request to withdraw the holding of abandonment is dismissed. Attached hereto please find a copy of practitioner’s docket printout. As can be seen on the docket printout, there were a significant number of docket entries for this particular application. Before receiving the Notice of Abandonment dated January 30, 2009, the last action on the file was practitioner’s filing of a Request for Continued Examination on July 22, 2008, which is shown on the docket. We have also

attached another copy of the complete Petition papers filed on February 19, 2009. Applicant believes that with the filing of the above-referenced practitioner's docket printout required by the PTO, the Petition is now in condition to be granted.

Applicant believes no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65856-0025 from which the undersigned is authorized to draw.

Dated: June 9, 2009

Respectfully submitted,

Electronic signature: /Michael B. Stewart/
Michael B. Stewart

Registration No.: 36,018
RADER, FISHMAN & GRAUER PLLC
Correspondence Customer Number: 10291
Attorney for Applicant

RADER# 65856-0025

PRINTED ON: 6/9/2009

COUNTRY	US	UNITED STATES	TITLE		PRIOR	
NEW/CON	NEW	SERIAL#	09/736,232	DRIVELINE ANGLE ANALYZER	MAIL	12/14/2000
RELATED		PATENT#			FILE	12/14/2000
TYPE	UTL	STATUS	PUBLISHED		PUBL	1/30/2003
CLIENT	65856	Eaton Corporation	1	CREF	00-TRN-005	ISSUE
AGENT				AREF	EATO PA 811 EU jg	1ST
						EXP
						12/14/2020

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
F2	N	FILING CONFIRMATION	12/14/2000	1M	1/14/2001		1/14/2001	0	1/3/2001	1M	Y	Y	Y
DS	N	INF DISCLOSURE STMT	12/14/2000	3M	3/14/2001		3/14/2001	0	2/6/2001	1M	Y	Y	Y
PJR did not receive any prior art for this matter-jel 02/06/01. PJR file corrected drawings 08/07/01-jel.													
FD	N	FILING DETAILS	12/14/2000	5M	5/14/2001		5/14/2001	0	6/11/2001	0M	Y	Y	Y
Updated Filing Receipt received 9/25/01.(klh)													
NC	N	NOTIFY CLIENT OF FF	12/14/2000	6M	6/14/2001		6/14/2001	0	6/14/2001	1M	Y	Y	Y
G2	N	MISSING PARTS (2 MO)	6/7/2001	2M	8/7/2001	41	12/7/2001	0	8/7/2001	1M	Y	Y	Y
Fax sent to K. Polkinghorne for formalization of drawings. 06/21/01 amv. Peter Rashid has this file for attention to NMP. Amv.													
AS	Y	ASSIGNMENT RECORDED	12/14/2001										
Assigned from inventor to Eaton Corporation-klh. Reel/Frame: 011404/0482													
ID	y	IDS W/ PTO-1449	10/29/2002										
International Search Report filed with references. Amv													
FO	N	FOREIGN FILING DUE	12/14/2001	12M	12/14/2002		12/14/2002	0	12/14/2002	3M	Y	Y	Y
SR	N	STATUS REQUEST	9/19/2002	4m	1/19/2003		1/19/2003	0	10/4/2002	0M	Y	Y	Y
Have we received a response to our Status Inquiry filed 09/19/02? Amv. Correspondence received from USPTO dated 9/30/02 projecting application will be examined 0-3 months from 9/30.(klh)													
SC	N	STATUS CHECK	9/30/2002	4M	1/30/2003		1/30/2003	0	2/17/2003	0M	Y	Y	Y
Have we received an action from the USPTO pursuant to their reply to our status inquiry? Amv; received letter from PTO dated 2/27/03 stating it will be more than 15 months before this application will receive a first office action. Ls													
PU	N	PUBLICATION	12/14/2000	26M	2/14/2003		2/14/2003	0	1/30/2003	1M	Y	Y	Y
Request for Non-Publication filed. Request Rescinded 05/07/01. 09/14/01.dmt Per notice from USPTO dated 6/13/02, projected publication date is 9/5/02.(klh) As of 10/15/02, no publication. Amv ***SEE NOTES***													
AN	N	ACCEPT APPLN NOTICE	1/30/2003	2M	3/30/2003		3/30/2003	0	2/17/2003	0M	Y	Y	Y
SR	N	STATUS REQUEST	2/17/2003	4m	6/17/2003		6/17/2003	0	3/6/2003	0M	Y	Y	Y
Have we received a response regarding our status inquiry filed 02/17/03? Amv													
SC	N	STATUS CHECK	2/27/2003	15M	5/27/2004		5/27/2004	0	6/7/2004	0M	Y	Y	Y
Have we received any action with respect to USPTO's response to our status inquiry? Amv; Application projected to be examined 2 to 5 months from letter dated 8/16/04. aln													
SR	N	STATUS REQUEST	6/7/2004	4M	10/7/2004		10/7/2004	0	8/16/2004	0M	Y	Y	Y
Have we received a response to our status inquiry filed 06/07/04? Amh; Application projected to be examined 2 to 5 months from letter dated 8/16/04. aln													
RE	N	RESPONSE TO OA	10/1/2004	3M	1/1/2005	31	4/1/2005	1	1/3/2005	1M	Y	Y	Y
File given to KWJ for preparation of response to OA. 10/28/04 amh; Response drafted and given to MBS 12-24-04 (vlw);													
SC	N	STATUS CHECK	1/3/2005	6M	7/3/2005		7/3/2005	0	10/1/2004	0M	Y	Y	Y
Have we received any action from the USPTO pursuant to their reply to our status inquiry? Amh													
RE	N	RESPONSE TO OA	5/16/2005	2M	7/16/2005	31	10/16/2005	1	7/14/2005	1M	Y	Y	Y
SC	N	STATUS CHECK	7/14/2005	6M	1/14/2006		1/14/2006	0	11/2/2005	0M	Y	Y	Y

RE	N	RESPONSE TO OA	11/2/2005	3	M	2/2/2006	3	1	5/2/2006	1	2/2/2006	1	M	Y	Y	Y
File given to KWJ for preparation of response to OA. 11/22/05 amh; per KWJ 2/1/06 - will be ready for review maybe late today, but probably tomorrow.																
ER	N	EARLY RESP FINAL REJ	5/4/2006	2	M	7/4/2006			7/4/2006	0	7/5/2006	1	M	Y	Y	Y
File given to KWJ for preparation of response to final OA. 05/19/06 amh																
SC	N	STATUS CHECK	2/2/2006	6	M	8/2/2006			8/2/2006	0	5/4/2006	0	M	Y	Y	Y
NA	N	NOTICE OF APPEAL	5/4/2006	3	M	8/4/2006	3	1	11/4/2006	2	9/5/2006	1	M	Y	Y	Y
File given to KWJ for preparation of response to final OA. 05/19/06 amh; early resp. filed 7-5-06(vlw); Advisory Action rcvd from USPTO dated 8/3/06. Is Filed RCE 9-5-06(vlw)																
AV	N	ADVISORY ACTION	5/4/2006	3	M	8/4/2006			8/4/2006	0	9/5/2006	0	M	Y	Y	Y
advisory action rec'd 8/3/06, KWJ preparing response. Will have to file w/extension. Lmt Filed RCE 9-5-06 vlw																
FR	N	FINAL REJECTION	5/4/2006	3	M	8/4/2006	3	1	11/4/2006	2	9/5/2006	1	M	Y	Y	Y
File given to KWJ for preparation of response to final OA. 05/19/06 amh; early resp. filed 7-5-06(vlw); Filed RCE 9-5-06(vlw)																
CX	Y	RQST CONTINUED EXAM	9/5/2006													
RE	N	INSTRUCTS TO FA/JP	12/1/2006	0	M	12/1/2006			12/1/2006	0	12/1/2006	0	M	Y	Y	Y
FA requesting instructions by 12/1/06. Is Email to MBS 11/28/06 with reminder. Jsg																
RE	N	RESPONSE TO OA/JP	9/13/2006	90	D	12/12/2006	3	1	3/12/2007	3	3/8/2007	0	M	Y	Y	Y
Email to FA 12/1/06 w/instructs for resps to OA,jsg; 3-mnth ext filed until 3/12/07.Is Add'l instructs sent to FA 12/19/06. Email to FA 1/31/07 inquiring if they need any add'l info. Email to FA 2/16/07 providing final info.jsg; Response filed 3/8/07. Is																
RE	N	RESPONSE TO OA	9/25/2006	3	M	12/25/2006	3	1	3/25/2007	1	12/26/2006	1	M	Y	Y	Y
File given to KWJ for preparation of response to OA. 11/07/06 amh																
RE	N	ADD'L OA INSTS FA/JP	2/14/2007	12	D	2/26/2007			2/26/2007	0	2/16/2007	1	M	Y	Y	Y
Email from FA 2/14/07 requesting additional instructs. File and e-mail to MBS 2/14/07 for instructs.jsg; Email to FA 2/16/07 w/instructs for response to OA. Ls;																
SC	N	STATUS CHECK	9/5/2006	6	M	3/5/2007			3/5/2007	0	9/25/2006	0	M	Y	Y	Y
ER	N	EARLY RESP FINAL REJ	3/16/2007	2	M	5/16/2007			5/16/2007	0	5/15/2007	1	M	Y	Y	Y
AV	N	ADVISORY ACTION	3/16/2007	3	M	6/16/2007			6/16/2007	0	7/16/2007	0	M	Y	Y	Y
Per KWJ on 6/14/07, K. Hinman has requested we take 1 mo. Ext.(vlw); Filing pre-appeal by 7/16/07 per KWJ 6/20/07(vlw)																
FR	N	FINAL REJECTION	3/16/2007	3	M	6/16/2007	3	1	9/16/2007	3	5/15/2007	1	M	Y	Y	Y
Filed early resp. to fnl. Rej. 5/15/07 (vlw)																
NA	N	NOTICE OF APPEAL	3/16/2007	3	M	6/16/2007	3	1	9/16/2007	2	7/16/2007	1	M	Y	Y	Y
Filed early resp. to fnl. Rej. 5/15/07 (vlw); Advisory Action rcvd from USPTO dated 6/5/07. Is; Per KWJ on 6/4/07 K. Hinman has requested a 1 mo. Ext. (vlw); Filed Pre-Appeal Req. and Pre-Appeal Brief 7/16/07(vlw)																
AB	N	APPEAL BRIEF	8/30/2007	1	M	9/30/2007	4	1	1/30/2008	2	10/30/2007	1	M	Y	Y	Y
Not. Of Panel Decision from Pre-Appeal Brief Review rec'd from USPTO 8/30/07(vlw); filed w/1 mo. Pet. For EXOT on 10/30/07(vlw)																
SC	N	STATUS CHECK	7/16/2007	6	M	1/16/2008			1/16/2008	0	1/24/2008	0	M	Y	Y	Y
NR	N	REPLY - NEW ARGUMENT	1/24/2008	2	M	3/24/2008			3/24/2008	0	3/24/2008	1	M	Y	Y	Y
Examiner's Answer rcvd from Board of Patent Appeals and Interferences dated 1/24/08. Is																
RU	N	RESPONSE (UNEXTNBL)	8/25/2008	1	M	9/25/2008			9/25/2008	0	9/25/2008	1	M	Y	Y	Y
Interview Summary rcvd from USPTO dated 8/25/08. acg Given to KWJ to report to client and determine if resp. is necessary. 08/27/08 amh; KWJ spoke w/Examiner in DC and will follow-up with him. Jks																
SC	N	STATUS CHECK	7/22/2008	3	m	10/22/2008			10/22/2008	0	8/25/2008	0	M	Y	Y	Y
File given to KWJ to prepare RCE per email to client dated 05/21/08 amh; RCE filed 7/22/08 jks																
WD	N	PET- WTHDW HOLD ABND	1/30/2009	2	M	3/30/2009			3/30/2009	0	2/19/2009	1	M	Y	Y	Y
Notice of Abandonment rcvd from USPTO dated 1/30/09. Is Petition to Withdraw Holding of Abandonment Based on Failure to Receive Notice of Allowance and Issue Fee Transmittal filed via facsimile 02/19/09 amh																
SC	N	STATUS CHECK	2/19/2009	3	M	5/19/2009			5/19/2009	0	4/22/2009	0	M	Y	Y	Y
Has the petition been granted?; Petition DISMISSED per PTO notice dated 4-22-2009. Applicant must file Request for Reconsideration. Jjp																

RQ	N	REQ RECONSIDERATION	4/22/2009	2	M	6/22/2009		6/22/2009	0		1	M	Y	Y	Y
Petition DISMISSED per PTO notice dated 4-22-2009. Applicant must file Request for Reconsideration. Jjp															
WA	N	REQ WITHDRWL OF ABND	1/8/2009	12	M	1/8/2010		1/8/2010	0		3	M	Y	Y	Y
Petition to Withdraw Holding of Abandonment Based on Failure to Receive Notice of Allowance and Issue Fee Transmittal filed via facsimile 02/19/09 amh															

INVENTORS	ASSIGNEES
Sirrine, Scott A.	Eaton Corporation

FAMILY MEMBERS							
REFERENCE#	COUNTRY	NEW/CON	SERIAL#	FILED	PATENT #	ISSUED	STATUS
65856-0025	UNITED STATES	NEW	09/736,232	12/14/2000			PUBLISHED

USER-DEFINABLE FIELDS		PATENT FIELDS	
1		SMALL ENTITY	NO
LOC		IND CLAIMS	
PBL#	US-2003-0019293-A1	TOTAL CLAIMS	
			PUBL #
			ART UNIT
			CONFIRM#
			EXAMINER

P12373US00 ENTERED 5/11/2000 MODIFIED 6/9/2009 1:1 BY AMH ATTORNEYS mbs / mbs / dmt

NOTES

Filed Request and Certification Under 35 USC 112(b)(2)(B)(I). PREVIOUSLY 65506-0040. FILE ROOM 08/08/01-jel.

Received Notice of New or Revised Projected Publication Date from PTO dated 10/24/02. The current projected publication date is 1/30/03.(klh)

Communication rcvd from PTO dated 4/9/08 stating Reply Brief filed 3/24/08 has been reviewed and considered. The Reply Brief is being forwarded to the Board of Patent Appeals and Interferences for consideration. Ls

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
Scott A. Sirrine	:	Examiner: Herng Der Day
	:	
Serial No.: 09/736,232	:	Art Unit: 2128
	:	
Filed: December 14, 2000	:	Confirmation No.: 9140
	:	
For: DRIVELINE ANGLE ANALYZER	:	

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE
TO RECEIVE NOTICE OF ALLOWANCE UNDER 37 CFR 1.181(a)**

IN THE ALTERNATIVE, PETITION TO REVIVE UNDER 37 CFR 1.137(a) OR (b)

MS Petitions
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In response to a Notice of Abandonment mailed January 30, 2009, Applicant hereby petitions to withdraw holding of abandonment and revive the above-identified application. In view of the facts in this case, Applicant is unsure which rule applies for revival of this application.

This application was unavoidably allowed to go abandoned on January 7, 2009, because the October 7, 2008, Notice of Allowance was not received. In other words, the payment of the issue fee was unavoidably delayed because the October 7, 2008, Notice of Allowance was not received by Rader, Fishman & Grauer PLLC, which is designated as the corresponding address in the present application.

I, the attorney in charge of the present application, also attest to the fact that a search of the file jacket and docket records indicates that the October 7, 2008, Notice of Allowance was not received by Rader, Fishman & Grauer PLLC - see Declaration of Michael B. Stewart (attached as Exhibit A).

The facts relating to this unavoidable and/or unintentional abandonment are as follows:

1. On February 4, 2009, a Notice of Abandonment was received from the U.S. Patent and Trademark Office for failure to pay the issue fee.

2. Louise Schultz of Rader, Fishman & Grauer PLLC is a docket clerk who handles the incoming mail and docket the U.S. Patent and Trademark Office due dates in the Bloomfield Hills office of Rader, Fishman & Grauer PLLC. In Mrs. Schultz' declaration (attached as Exhibit B), the October 7, 2008, Notice of Allowance was not received by the Bloomfield Hills office of Rader, Fishman & Grauer PLLC.
3. If the October 7, 2008, Notice of Allowance had been received and thereby docketed, the due date for paying the issue fee would have been entered into our PATTSY[®] system and subsequently paid.
4. In view of the facts, the above-identified application was clearly abandoned unavoidably and unintentionally.
5. Applicant is hereby enclosing the issue fee herewith.
6. Finally, a petition fee in accordance with 37 CFR 1.17(m) is submitted herewith to cover either unavoidably or an unintentional delayed payment. Applicant requests a refund, if the U.S. Patent and Trademark Office decides that the petition fee should be granted under the unavoidable standard. However, if the U.S. Patent and Trademark Office decide that additional fees are necessary, the Commissioner is hereby authorized to charge payment of the following fees associates with this communication or credit any overpayment to Deposit Account No. 18-0013.

Applicant respectfully petitions for revival of this application.

Dated: February 19, 2009

Respectfully submitted,

By: Michael B. Stewart /JSC
Michael B. Stewart
Reg. No. 36,018
Rader Fishman & Grauer, PLLC
39533 Woodward Avenue, Suite 140
Bloomfield Hills, Michigan 48304
Customer No. 010291

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
Scott A. Sirrine	:	Examiner: Herng Der Day
Serial No.: 09/736,232	:	Art Unit: 2128
Filed: December 14, 2000	:	Confirmation No.: 9140
For: DRIVELINE ANGLE ANALYZER	:	

DECLARATION OF MICHAEL B. STEWART

MS Petitions
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

I, Michael B. Stewart, hereby unequivocally stipulate and declare that the following statements of facts are true and correct:

1. I am an equity partner in the law firm of Rader, Fishman & Grauer PLLC at 39533 Woodward Avenue, Suite 140, Bloomfield Hills, Michigan 48304, and have been with the firm since its formation in 1996.
2. I have no recollection that the Notice of Allowance for the above-identified application was received by our firm, and I have conducted search of our office and files. I believe that the Notice of Allowance for the above-identified application was not received by our firm as part of our normal practice as explained in the Declaration of Louise Schultz.
3. In the case of the above-identified application, I first became aware of the abandonment of the above-identified application for failure to pay the issue fee on February 5, 2009, after we received a Notice of Abandonment from the U.S. Patent and Trademark Office.
4. I have no present recollection that the Notice of Allowance for the above-identified application was received by our firm. I have spoken to all the members of our firm that would have possibly handled the Notice of Allowance, and none of them had any

recollection of the Notice of Allowance. I have searched our office to locate the Notice of Allowance for the above-identified application. Our firm has no record that the Notice of Allowance for the above-identified application was received.

Dated: February 19, 2009

Respectfully submitted,

By: Michael B. Stewart /s/ *Michael B. Stewart*
Michael B. Stewart
Reg. No. 36,018
RADER FISHMAN & GRAUER, PLLC
39533 Woodward Avenue, Suite 140
Bloomfield Hills, Michigan 48304
Customer No. 010291

EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
Scott A. Sirrine	:	Examiner: Herng Der Day
	:	
Serial No.: 09/736,232	:	Art Unit: 2128
	:	
Filed: December 14, 2000	:	Confirmation No.: 9140
	:	
For: DRIVELINE ANGLE ANALYZER	:	

DECLARATION OF LOUISE SCHULTZ

MS Petitions
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

I, Louise Schultz, hereby unequivocally stipulate and declare that the following statements of facts are true and correct:

1. I am a full-time employee of Rader, Fishman & Grauer PLLC at 39533 Woodward Avenue, Suite 140, Bloomfield Hills, Michigan 48304. I have been working for Rader, Fishman & Grauer PLLC as a docket clerk for over six (6) years.
2. It is my responsibility to review all incoming mail that Rader, Fishman & Grauer PLLC receives, including all the office communications received from the U.S. Patent and Trademark Office, and to docket any due dates set forth in the office communications for active clients. My daily routine for carrying out the above tasks consists of the following steps.
 - a. All mail for Rader, Fishman & Grauer's Bloomfield Hills, Michigan office is delivered to our receptionist by either courier or the U.S. Postal Service, on a daily basis. Our receptionist opens all of the mail and stamps the mail with the received date. Once opened and stamped, the mail is given to me for docketing.
 - b. After I received the mail, I thoroughly review each office communication for any due date. With specific reference to U.S. Patent and Trademark Office mail, review each office communication having a due date to reply (e.g., Notice of File Missing Parts, Restriction Requirement, Office Actions, Notice

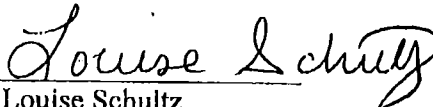
of Allowance, etc.) and look up each file that relates to that communication in our electronic docketing system, PATTSY®.

- c. If the file is an active, pending file, I enter the type of the office communication and a due date for the shortened statutory period for reply. In addition, any subsequent due dates that can be obtained by extension of time are automatically entered by the PATTSY® system up to the statutory period for reply.
 - d. Once the office communication has been docketed in the PATTSY® system, I attach the office communication to a printout copy of the updated PATTSY® report and give the documents to the file room to match to the corresponding physical file. The physical file is then provided to the assistant for the responsible attorney whose initials are listed first in the PATTSY® for his or her review. This process is usually completed the same day the communication is received by our office.
3. I have no present recollection that the Notice of Allowance for the above-identified application was received by our firm. I have assisted Mr. Stewart and his assistants in searching our Office to locate the Notice of Allowance for the above-identified application and was unable to locate it. Our firm has no record that the Notice of Allowance for the above-identified application was received. However, if the Notice of Allowance for the above-identified application was received by our firm, then I would have given the Notice of Allowance to one of Michael B. Stewart's assistants for review and action, as described above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: February 19, 2009

Respectfully submitted,

By: 
Louise Schultz

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmittal
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Alisa M. Haggeno (Depositor's name)
 [Signature] (Signature)
 February 19, 2009 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,232	12/14/2000	Scott A. Sirrine	65856-0025	9140

TITLE OF INVENTION: DRIVELINE ANGLE ANALYZER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	01/07/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
DAY, HERNG DER	2128	703-008000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" Indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Rader, Fishman & Grauer PLLC

2

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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Eaton Corporation

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Cleveland, OH

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☒ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 18-0015 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Michael B. Stewart / JSC Date February 19, 2009

Typed or printed name Michael B. Stewart Registration No. 36,018

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10291 7590 10/07/2008
 RADER, FISHMAN & GRAUER PLLC
 39533 WOODWARD AVENUE
 SUITE 140
 BLOOMFIELD HILLS, MI 48304-0610

Certificate of Mailing or Transmission
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Alisa M. Haggemo	(Depositor's name)
<i>[Signature]</i>	(Signature)
February 19, 2009	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Rader, Fishman & Grauer PLLC

2. _____
 3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

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(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Cleveland, OH

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

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NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Michael B. Stewart 1556
 Michael B. Stewart
 Typed or printed name

Date February 19, 2009
 Registration No. 36,018

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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